IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 33398 of 2007(A)

PETITIONER:

SILBI LALU, S/O LATE LALU PAULOSE,
NOW RESIDING AT PLANKUDIYIL HOUSE,
PINDIMANA P.O., KOTHAMANGALAM.

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM.

2. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., MUVATTUPUZHA.

3. STATE OF KERALA, REP. BY
SECRETARY TO GOVT., DEPARTMENT OF TRANSPORT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R2 BY ADV.SRI.JOHNSON P. JOHN, SC, KSRTC.
R3 BY ADV.SMT.ANU SIVARAMAN, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.33398 OF 2007

Dated this the 13th day of November, 2007

JUDGMENT

Heard learned counsel for the petitioner, learned Government Pleader and standing counsel for Kerala State Road Transport Corporation.

2. Petitioner's husband died on 29.8.2005. By Ext.P1, the Tahsildar has certified that the deceased husband of the petitioner left behind his parents also, apart from the petitioner, the father being aged 66 years and the mother, 62 years. The petitioner applied for appointment on compassionate grounds. By Ext.P2, the petitioner has been informed that she has to produce a consent letter of the parents of the deceased for consideration of her application. This, obviously, runs against Ext.P3, where the priority goes to the widow and the parents are not in the field of reckoning for consideration for compassionate appointment. That apart, the age of the parents of the deceased are much beyond the retirement age from the service of the

KSRTC. In any view of the matter, the insistence in Ext.P2 that the petitioner has to produce the consent letter of the parents of her late husband is unsustainable.

3. For the aforesaid reasons, Ext.P2 is quashed and it is directed that the application of the petitioner for compassionate appointment shall be considered and decided upon within a period of three months from the date of receipt of a copy of this judgment, without insisting on the production of consent letter as called for as per Ext.P2 and subject to other formalities in accordance with the scheme.

The writ petition is disposed of with the above direction.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.